

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 JUSE-00 SCA-01 SS-20 RSC-01

DRC-01 /037 W

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P 281648Z JAN 74

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC PRIORITY 5168

LIMITED OFFICIAL USE SECTION 1 OF 2 NASSAU 162

E.O. 11652: N/A

TAGS: PFOR, CPRS, BF

SUBJECT: HOWARD R. HUGHES: LOCAL INJUNCTION AND DECLARATION

REF: STATE 17638

HEREWITH IS TEXT OF SUMMONS REQUESTED REFTEL. NOTTAGE
AFFIDAVIT FOLLOWS SEPTTEL. ENTIRE PACKAGE BEING POUCHED
JANUARY 29.

BEGIN TEXT: IN THE MATTER OF HOWARD R.HUGHES AND
IN THE MATTER OF THE BAHAMAS INDEPENDENCE ORDER 1973
ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED ATTEND BEFORE MR JUSTICE JAMES
M. THOMPSON IN CHAMBERS ON TUESDAY THE 29TH OF JANUARY,
A.D. 1974 AT NINE O'CLOCK IN THE FORENOON ON THE HEARING
OF AN APPLICATION BY THE SAID HOWARD R.HUGHES (HEREINAFTER
REFERRED TO AS "THE APPLICANT") THAT:

WHEREAS ARTICLE 15 OF THE BAHAMAS INDEPENDENCE ORDER
1973 (HEREINAFTER REFERRED TO AS "THE CONSTITUTION") STATES
INTER ALIA AS FOLLOWS:-

QTE WHEREAS EVERY PERSON IN THE BAHAMAS IS ENTITLED
TO THE FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL,
THAT IS TO SAY, HAS THE RIGHT, WHATEVER HIS RACE, PLACE
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OF ORIGIN, POLITICAL OPINIONS, COLOUR, CREED OR SEX, BUT

SUBJECT TO RESPECT FOR THE RIGHTS AND FREEDOMS OF OTHERS
AND FOR THE PUBLIC INTEREST, TO EACH AND ALL OF THE FOLLOWING,
NAMELY: - (A) LIFE, LIBERTY, SECURITY OF THE PERSON
AND THE PROTECTION OF THE LAW....UNQTE

AND WHEREAS ARTICLE 19(1) OF THE SAID CONSTITUTION STATES
INTER ALIA AS FOLLOWS:- QTE NO PERSON SHALL BE DEPRIVED
OF HIS PERSONAL LIBERTY SAVE AS MAY BE AUTHORISED BY LAW...
UNQTE

AND WHEREAS ARTICLE 28(1) OF THE SAID CONSTITUTION STATES:
QTE IF ANY PERSON ALLEGES THAT ANY OF THE PROVISIONS ON
ARTICLES 16 TO 27 (INCLUSIVE) OF THIS CONSTITUTION HAS
BEEN, IS BEING OR IS LIKELY TO BE CONTRAVENED IN RELATION
TO HIM THEN, WITHOUT PREJUDICE TO ANY OTHER ACTION WITH
RESPECT TO THE SAME MATTER WHICH IS LAWFULLY AVAILABLE, THAT
PERSON MAY APPLY TO THE SUPREME COURT FOR REDRESS UNQTE.

AND WHEREAS PURSUANT TO ARTICLE 28(2) OF THE SAID CONSTITUTION
THE SUPREME COURT IN ITS ORIGINAL JURISDICTION MAY
HEAR AND DETERMINE ANY APPLICATION MADE BY ANY PERSON IN
PURSUANCE OF ARTICLE 28(1) AFORESAID;

AND WHEREAS THE APPLICANT IS A BONA FIDE RESIDENT OF THE
COMMONWEALTH OF THE BAHAMAS UNDER A PERMIT TO RESIDE
THEREIN GRANTED BY THE GOVERNMENT OF THE BAHAMAS.

AND WHEREAS THE APPLICANT IS SUBJECT TO AN "INDICTMENT"
ISSUED OUT OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA WHICH ALLEGES THAT THE APPLICANT HAS
VIOLATED CERTAIN SECTIONS OF TITLES 15 AND 18 OF THE UNITED
STATES CODE WHICH ARE MORE SPECIFICALLY DESCRIBED IN THE
CERTIFIED COPY OF THE SAID "INDICTMENT" HERETO ATTACHED
AND MARKED AS EXHIBIT HH.1.

AND WHEREAS THE SAID "INDICTMENT" AND EACH OF THE COUNTS
THEREIN HAS BEEN CHALLENGED IN THE SAID UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEVADA BY NOTICE OF
MOTION TO DISMISS FILED BY ATTORNEYS FOR THE APPLICANT
ON THE GROUND INTER ALIA, THAT THE SAID "INDICTMENT" DOES
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NOT STATE OR ALLEGE FACTS SUFFICIENT TO CONSTITUTE ANY
OFFENCES OR ANY CRIME AGAINST THE UNITED STATES OF AMERICA
AND THE SAID ATTORNEYS HAVE MADE APPLICATION TO THE SAID
COURT FOR THE DISMISSAL AND QUASHING OF THE SAID "INDICTMENT"
ON THAT AND OTHER GROUNDS.

AND WHEREAS IT IS BELIEVED THAT THE GOVERNMENT OF THE
UNITED STATES OF AMERICA THROUGH ITS DIPLOMATIC REPRESENTATIVE

IN THE COMMONWEALTH OF THE BAHAMAS WILL REQUISITION THE GOVERNMENT OF THE BAHAMAS THROUGH ITS SECRETARY OF STATE AND/OR ITS MINISTER FOR EXTERNAL AFFAIRS PURSUANT TO THE PROVISIONS OF THE EXTRADITION ACT, 1870, TO SURRENDER THE APPLICANT BY EXTRADITION PROCEEDINGS BEFORE THE AFORESAID UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA HAS ADJUDICATED ON THE QUESTION OF LAW WHETHER THE SAID "INDICTMENT" STATES OR ALLEGES FACTS SUFFICIENT TO CONSTITUTE ANY CRIMES OR ANY OFFENCES AGAINST THE UNITED STATES OF AMERICA.

AND WHEREAS THE APPLICANT BELIEVES THAT BEFORE THE SAID ADJUDICATION BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ON THE QUESTION OF LAW AFORESAID AS TO WHETHER OR NOT THE FACTS ALLEGED IN THE SAID "INDICTMENT" DO IN FACT CONSTITUTE ANY CRIMES OR ANY OFFENCES AGAINST THE UNITED STATES OF AMERICA HE SHALL OR IS LIKELY TO BE DEPRIVED OF HIS PERSONAL LIBERTY CONTRARY TO THE AFOREMENTIONED ARTICLE 19(1) OF THE CONSTITUTION.

BY THIS SUMMONS THE APPLICANT HEREIN SEEKS:-

1. A DECLARATION OF THIS COURT THAT THE APPLICANT IS ENTITLED TO THE FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL AS ENSHRINED IN THE SAID CONSTITUTION AND TO

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PROTECTION FROM ARBITRARY ARREST OR DETENTION UNDER THE PROVISIONS OF ARTICLE 19 OF THE SAID CONSTITUTION.

2. A DECLARATION THAT ANY ACTION OF THE GOVERNMENT OF THE BAHAMAS WHETHER BY ITS SECRETARY OF STATE AND/OR ITS MINISTER FOR EXTERNAL AFFAIRS, ITS MAGISTRATES, AGENTS, SERVANTS OR ANY OF THEM OR OTHERWISE IN PURSUANCE OF A REQUISITION BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA THROUGH ITS DIPLOMATIC REPRESENTATIVE IN THE COMMONWEALTH OF THE BAHAMAS TO SURRENDER THE APPLICANT BEFORE THE SAID ADJUDICATION BY THE SAID UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ON THE QUESTION OF LAW AS TO WHETHER OR NOT THE FACTS ALLEGED IN THE SAID "INDICTMENT" DO SO IN FACT CONSTITUTE ANY CRIMES OR ANY OFFENCES AGAINST THE UNITED STATES OF AMERICA IS A DEPRIVATION OF THE APPLICANT'S PERSONAL LIBERTY.

3. AN ORDER OF THIS HONOURABLE COURT THAT THE SAID GOVERNMENT OF THE BAHAMAS WHETHER BY ITS SECRETARY OF STATE AND/OR ITS MINISTER FOR EXTERNAL AFFAIRS, ITS MAGISTRATES, AGENTS, SERVANTS OR ANY OF THEM OR OTHERWISE, BE RESTRAINED BY INJUNCTION FROM SO DEPRIVING THE APPLICANT OF HIS PERSONAL LIBERTY UNTIL FINAL JUDGEMENT BY THE COURTS OF THE UNITED STATES OF AMERICA ON THE AFORESAID QUESTION OF LAW AND THE AFORESAID MOTION TO DISMISS THE SAID "INDICTMENT".

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AND TAKE NOTICE THAT UPON THE HEARING OF THE SAID APPLICATION THE SAID HOWARD R. HUGHES, OR HIS COUNSEL WILL USE THE AFFIDAVIT OF KENDALL WELLINGTON NOTTAGE SWORN HEREIN ON THE (BLANK) DAY OF JANUARY, A.D. 1974, AND THE EXHIBITS THEREIN REFERRED TO.

AND THAT THE COSTS OF AND OCCASIONED BY THE MOTION BE COSTS IN THE SAID ACTION.

DATED THE 24TH DAY OF JANUARY A.D. 1974.

KENDALL NOTTAGE & CO.

THIS SUMMONS WAS TAKEN OUT BY MESSRS. KENDALL NOTTAGE & CO, OF CHAMBERS, KING'S COURT BAY STREET IN THE CITY OF NASSAU, ATTORNEYS FOR THE APPLICANT WHO RESIDES IN THE CITY OF FREEPORT IN THE ISLAND OF GRAND BAHAMAS.
END TEXT.
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Message Attributes

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Concepts: EXTRADITION, TRIALS
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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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TAGS: PFOR, CPRS, BF, (HUGHES, HOWARD)
To: STATE
Type: TE
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